STATE OF MICHIGAN

COURT OF APPEALS

SHARON ALLEN,

Plaintiff-Appellant,

v

ARTHUR ECKLOFF and NORMA JEAN ECKLOFF,

Defendants-Appellees.

UNPUBLISHED
June 24, 1997

No. 194214
Calhoun Circuit Court
LC No. 94-2812 NO

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Plaintiff slipped and fell on an accumulation of ice or snow while leaving a single-family residence, occupied by her granddaughter and leased from defendants. The previous day there had been an accumulation of snow which defendant Arthur Eckloff had shoveled. However, the premises, or the portion of the path that was shoveled, was on an incline, and either the shoveling was incomplete or melting and refreezing created a slippery patch where plaintiff lost her footing.

After trial to the bench, a verdict of no cause for action was returned in favor of defendants. Plaintiff appeals by right, contending that the trial judge erred in opining that defendants owed plaintiff only the duties of a licensee, rather than those of an invitee.

While, in theory, a social guest of a tenant is, as to a landlord, an invitee, *Petraszewsky v Keeth (On Remand)*, 201 Mich App 535; 506 NW2d 890 (1993), a landlord owes such an invitee a duty only as to portions of the premises over which the landlord has retained control. Here, the trial judge found that because this was a single-family residence, defendants retained no control over any portion of the premises. Accordingly, defendants owed no duty to an invitee to remove ice and snow from the premises, control of which was exclusively with their tenant. *Lipsitz v Schechter*, 377 Mich 685, 687; 142 NW2d 1 (1966). Accordingly, the trial court's error as to the legal status of a social guest *vis à vis* a landlord was harmless.

Affirmed.

/s/ Hilda R. Gage
/s/ Maureen Pulte Reilly
/s/ Joel P. Hoekstra